

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JEROME MACK,)	Court No.:
)	
Plaintiff,)	NOTICE OF REMOVAL OF
)	ACTION UNDER 28 U.S.C. § 1441
v.)	(Diversity Jurisdiction)
)	
ADESA, INC., and ADESA ILLINOIS, LLC,)	CIRCUIT COURT OF COOK
)	COUNTY, ILLINOIS, LAW
Defendants.)	DIVISION, Case No. 22-L-491

NOTICE OF REMOVAL OF CIVIL ACTION

Defendants ADESA, INC., and ADESA ILLINOIS, LLC by one of its attorneys, Nicholas A. Caputo, Caputo Law Firm, P.C., respectfully request(s) removal of the above-entitled action to this Court, pursuant to 28 U.S.C. §1441(a), based on the following grounds:

Background

1. ADESA, INC., and ADESA ILLINOIS, LLC have been named as Defendants in a civil action entitled *Jerome Mack v. Adesa, Inc., and Adesa Illinois, LLC*, Cause No. 2022-L-000491. This lawsuit was filed in the Circuit Court of Cook County, Illinois, Law Division, on January 14, 2022, and seeks damages arising from an incident where the Plaintiff allegedly was injured by slipping and falling on an unnatural accumulation of ice at a commercial business complex located at 2785 Beverly Road, Hoffman Estates, County of Cook, State of Illinois.

2. This suit is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332, and is one that Defendants are entitled to remove to this Court pursuant to 28 U.S.C. § 1441(a) because the controversy involves a dispute amongst parties with complete diversity of citizenship and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

3. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders served upon Defendants are attached hereto as follows:

a) A copy of the Summons and Complaint served on ADESA, INC., served on February 4, 2022 (Exhibit A);

b) A copy of the Summons and Complaint served on ADESA ILLINOIS, LLC, served on February 4, 2022 (Exhibit B).

4. This Notice of Removal is timely since it is filed within 30 days after receipt by the Defendants, through service, of a copy of the Complaint, as required by 28 U.S.C. § 1446(b).

Diversity of Citizenship

5. At the time of the commencement of this action, the Plaintiff, Jerome Mack, was a citizen of the State of Illinois. These allegations are based upon Plaintiff's Complaint which states that on and before January 8, 2021, Plaintiff, JEROME MACK resided in the City of Chicago Heights, County of Cook, State of Illinois. (*See* Exhibit A, ¶ 1) and that Mr. Mack has an Illinois CDL, License number M***-****-1278, which was issued on October 7, 2019 and expires on September 30, 2023, a copy of which is attached as Exhibit C.

6. None of the defendants in this case are citizens of Illinois, the state in which this action is brought, as required by 28 U.S.C. §1441(b).

7. At the time of the commencement of this action and at all times since, Defendant, ADESA, INC., was and is a Delaware corporation with its principal place of business in the State of Indiana.

8. At the time of the commencement of this action and at all times since, Defendant, ADESA ILLINOIS, LLC was and is an Illinois limited liability company. Its sole member is ADESA, INC. As set forth in paragraph 7 above, at the time of the commencement of this action

and at all times since, Defendant, ADESA, INC., was and is a Delaware corporation with its principal place of business in the State of Indiana.

Amount in Controversy

9. Based on the allegations in the Complaint, Defendants' good faith estimate of the amount in controversy in this case, based on other, similar claims, is in excess of \$75,000, exclusive of interest and costs. In this case, the Plaintiff's Complaint contains four counts, each of which seek damages "in an amount in excess of fifty thousand dollars." (See Exhibit A). Additionally, on or around July 23, 2021, plaintiff's counsel represented to an adjuster that Plaintiff's medical bills were in the amount of \$85,000.

10. Based on these allegations, Defendants believe that the amount in controversy in this case is in excess of \$75,000, exclusive of interest and costs.

Consent of Defendants

11. Each and every Defendant has consented to the removal of this action.

Notice to Parties and to State Court

12. Defendants will promptly give written notice to all adverse parties and will also file a copy of the notice with the Clerk of the Circuit Court of Cook County, Illinois as required by 28 USC 1446(d). (A copy of the Notice of Filing Notice of Removal is attached as Exhibit D).

WHEREFORE, ADESA, INC., and ADESA ILLINOIS, LLC, notify this Court of removal of the above-captioned suit pursuant to 28 USC §1332 and 28 USC §1441(a).

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Respectfully submitted by:

CAPUTO LAW FIRM, P.C.

s/ Nicholas A. Caputo
One of the attorneys for Defendants,
ADESA, INC., and ADESA ILLINOIS, LLC